

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ANAHITA S. CRAWFORD
Deputy Attorney General
4 State Bar No. 209545
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-8311
Facsimile: (916) 327-8643
7

8 *Attorneys for Complainant*

9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. **2010-633**

14 **MARIA RITA G. FRANCO, aka**
15 **MARIGLO BASCO RODRIQUEZ, aka**
16 **MARIA RITA G. BASCO, aka**
MARIGLO RODRIGUEZ
10445 Coyote Cub Avenue
Las Vegas, NV 89129

ACCUSATION

17 **Registered Nurse License No. RN 443728**

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
23 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
24 of Consumer Affairs.

25 **License History**

26 2. On or about August 31, 1989, the Board of Registered Nursing issued Registered
27 Nurse License Number RN 443728 to Maria Rita G. Franco, also known as Mariglo Basco
28

Rodriquez, Maria Rita G. Basco, and Mariglo Rodriquez ("Respondent"). The license expired on November 6, 2009, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 CAUSE FOR DISCIPLINE

2 (Out-of-State Discipline)

3 9. Respondent is subject to disciplinary action under Code section 2761, subdivision
4 (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the
5 Nevada State Board of Nursing ("Nevada Board"). In the action entitled, *In the Matter of*
6 *Mariglo Rodriguez, Licensed Professional Nurse, Nevada License No. RN 56590*, case no. 1044-
7 07C, pursuant to a Voluntary Surrender of License in Lieu of Other Disciplinary Action, effective
8 January 18, 2008, Respondent voluntarily surrendered her privilege to practice nursing in the
9 State of Nevada. The underlying circumstances of the disciplinary action are that on
10 September 22, 2007, while employed as a registered nurse at Summerlin Hospital Medical
11 Center in Las Vegas, Nevada, Respondent diverted Morphine Sulfate from hospital supplies for
12 her own personal use.

13 A copy of the Complaint and Notice of Hearing as well as the Voluntary Surrender of
14 License in Lieu of Other Disciplinary Action from the Nevada Board is attached as **Exhibit A**
15 and is incorporated herein.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License Number RN 443728 issued to
20 Maria Rita G. Franco, also known as Mariglo Basco Rodriguez, Maria Rita G. Basco, and
21 Mariglo Rodriguez;

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2. Ordering Maria Rita G. Franco, also known as Mariglo Basco Rodriquez, Maria Rita G. Basco, and Mariglo Rodriquez, to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 6/10/10

for *Louise Bailey*
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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(EC)

EXHIBIT A

**Nevada Board – Complaint, Notice of Hearing and
Voluntary Surrender of License**

ORIGINAL

BEFORE THE NEVADA STATE BOARD OF NURSING

IN THE MATTER OF

MARIGLO RODRIGUEZ

LICENSED PROFESSIONAL NURSE

NEVADA LICENSE NO. RN56590

RESPONDENT

COMPLAINT AND NOTICE
OF HEARING

CASE NO. 1044-07C

The Nevada State Board of Nursing (Board), by and through counsel, Frederick R. Olmstead, hereby notifies Respondent Mariglo Rodriguez of an administrative hearing, which is to be held pursuant to Chapters 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative Code. The purpose of the hearing is to consider the allegations stated below and to determine if the Respondent should be subject to an administrative penalty as set forth in NRS 632.320 and/or NRS 632.325 and/or NAC 632.926-927, if the stated allegations are proven at the hearing by the evidence presented.

~~Respondent Mariglo Rodriguez is currently and was at the time of the allegations stated~~
below, licensed as a Professional Nurse in the State of Nevada, and is, therefore, subject to the jurisdiction of the Board and the provisions of NRS Chapter 632 and NAC Chapter 632.

IT IS HEREBY ALLEGED AND CHARGED AS FOLLOWS:

I.

Before September 22, 2007, Respondent was employed and working as a Registered Nurse at Summerlin Hospital located in Las Vegas, Nevada. On September 22, 2007, it was discovered that certain vials of Morphine Sulfate had been tampered with. After an investigation, Respondent admitted to diversion of the Morphine Sulfate.

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1 II.

2 The foregoing conduct constitutes grounds for disciplinary action pursuant to NRS
3 632.320(7) unprofessional conduct, because Respondent violated NAC 632.890(18) when
4 Respondent diverted supplies, equipment or drugs for personal or unauthorized use.

5 Based on the foregoing:

6 PLEASE TAKE NOTICE, that a disciplinary hearing has been set to consider this
7 Administrative Complaint against the above-named Respondent in accordance with Chapters
8 233B and 632 of the Nevada Revised Statutes and Chapter 632 of the Nevada Administrative
9 Code.
10

11 THE HEARING WILL TAKE PLACE on Thursday, January 17, 2008, commencing
12 at 9:00 a.m., or as soon thereafter as the Board is able to hear the matter, at the Tuscany Suites,
13 255 E. Flamingo Road, Las Vegas, NV 89169. This case and other matters are scheduled to be
14 heard by the Board.
15

16 PURSUANT TO NRS 632.350, Respondent may request, in writing, that the Board
17 furnish copies of communications, reports, and affidavits in its possession, regarding the above-
18 referenced matter.

19 As the Respondent, you are specifically informed that you have the right to appear and be
20 heard in your defense, either personally or through counsel of your choice. You have the right to
21 respond and to present relevant evidence and argument on all issues involved. You have the
22 right to call and examine witnesses, introduce exhibits, and cross-examine opposing witnesses on
23 any matter relevant to the issues involved.
24

25 You have the right to request that the Board issue subpoenas to compel witnesses to
26 testify and/or evidence to be offered on your behalf. In making this request, you may be required
27 to demonstrate the relevancy of the witness' testimony and/or evidence.

28 The purpose of the hearing is to determine if the Respondent has violated NRS
632.320(7) and/or NAC 632.890(18), and if the allegations contained herein are substantially

1 proven by the evidence presented to further determine what administrative penalty is to be
2 assessed against the Respondent, if any, pursuant to NRS 632.320 and/or NRS 632.325 and/or
3 NAC 632.926-.927.

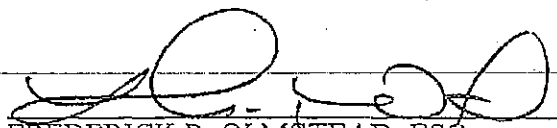
4 Should the Respondent fail to appear at the hearing, a decision may still be reached by
5 the Board. As the Respondent, you are further advised that you may be charged with cost
6 associated with the hearing pursuant to NRS 622.400.

7 Pursuant to NRS 233B.121(5), informal disposition of this case may be made by
8 stipulation, agreed settlement, consent order, or default. Any attempt to negotiate this case
9 should be made through Frederick R. Olmstead, General Counsel, Nevada State Board of
10 Nursing.

11 Pursuant to NRS 241.033(2)(b), the Nevada State Board of Nursing may, without further
12 notice, take administrative action against your license and/or certificate to practice within the
13 State of Nevada if the Board determines that such administrative action is warranted after
14 considering your character, alleged misconduct, professional competence, or physical or mental
15 health.

16 DATED this 13th day of December 2007.

17 By:


18 FREDERICK R. OLMSTEAD, ESQ.
19 General Counsel
20 Nevada State Board of Nursing
21 5011 Meadowood Mall Way, Suite 300
22 Reno, Nevada 89502-6547
23 (775) 688-2620
24
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27
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SEP 13 2007

BEFORE THE NEVADA STATE BOARD OF NURSING NV STATE BOARD OF NURSING

IN THE MATTER OF
MARIGLO RODRIGUEZ
LICENSED PROFESSIONAL NURSE
NEVADA LICENSE NO. RN56590
RESPONDENT

VOLUNTARY SURRENDER OF
LICENSE IN LIEU OF OTHER
DISCIPLINARY ACTION

CASE NO. 1044-07C

I, MARIGLO RODRIGUEZ, wish to voluntarily surrender my Nevada Nursing License.

I voluntarily and knowingly admit the following facts:

1. I am licensed as a Registered Nurse in the State of Nevada and I was licensed at the time of the conduct described herein and am, therefore, subject to the jurisdiction of the Board.
2. That on or about September 22, 2007, while I was employed as a Registered Nurse at Summerlin Hospital Medical Center I diverted controlled substances for my own personal use.
3. I admit diverting controlled substances constitutes grounds for disciplinary action pursuant to NRS 632.320 (5) controlled substances and/or alcohol and (7) unprofessional conduct, because the conduct violated NAC 632.890 (18) as diversion of drugs, and I choose to voluntarily surrender my Nevada nursing license, in lieu of other disciplinary action by the Nevada State Board of Nursing.
4. I am aware of, understand, and have been advised of the effect of this Voluntary Surrender.
5. I have read this Voluntary Surrender and I fully understand and acknowledge its facts and terms.
6. I am aware that I have certain constitutional rights, including:
 - a. I have the right to hire an attorney to represent me in this proceeding;

- 1 b. I have the right to demand a hearing on the charges against me, and I can require
2 the Board staff to prove the allegations;
3 c. I have the right to cross-examine the witnesses against me;
4 d. I have the right to call witnesses to provide evidence in my own behalf;
5 e. I have other rights accorded to me under Nevada Revised Statutes Chapters 233B,
6 and 632. Also, I have rights accorded to me under Nevada Administrative Code
7 Chapter 632.

8 7. I am aware of the foregoing rights, and I voluntarily, knowingly, and intelligently
9 waive these rights in return for the Board accepting my voluntary surrender of my
10 Nevada nursing license in lieu of other disciplinary action.

11 8. I understand this Voluntary Surrender is considered a disciplinary action and as such
12 will become part of my permanent record.

13 9. I understand this Voluntary Surrender is considered public information.

14 10. I understand this Voluntary Surrender is considered a disciplinary action and will be
15 reported to any national repository, which records disciplinary action taken against
16 licensees or certificate holders, or any agency or another state, which regulates the

17 practice of nursing.

18 11. I understand this Voluntary Surrender may be used in any subsequent hearings by the
19 Board as evidence against me to establish a pattern of behavior and for the purpose of
20 proving additional acts of misconduct.

21 12. This Voluntary Surrender shall not be construed as excluding or reducing any
22 criminal or civil penalties or sanction or other remedies that may be applicable under
23 federal, state or local laws.

24 13. I understand that this surrender is effective the day it is accepted by the Nevada State
25 Board of Nursing, or may be effective pursuant to NRS 632.400 (2), however I agree
26 to immediately cease and desist from practicing as a Registered Nurse, and I am
27 returning my license with this signed Voluntary Surrender of License In Lieu of
28 Other Disciplinary Action.

1 I, MARIGLO RODRIGUEZ, by my signature affixed below, agree with the foregoing
2 facts and representations and therefore choose to voluntarily surrender my Nevada nursing
3 license.

4
5 Dated this 13 day of December, 2007

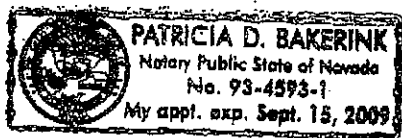
Mariglo Rodriguez
RESPONDENT
MARIGLO RODRIGUEZ

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9 State of Nevada

10 County of Clark

11 This instrument was acknowledged before me on December 13th, 2007, by

12 Mariglo Rodriguez



Patricia D. Bakerink
Notary Public

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20 Accepted and approved this 18th day of January, 2008

21
22 NEVADA STATE BOARD OF NURSING

23
24
25
26 By: Helen Vos
Helen Vos, MS, RN
Board President